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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ELIJAH M. SMITH, JR.,

11 Petitioner,

No. CIV S-10-0720 EFB P

12 vs.

13 LARRY HOLLOWAY,

14 Respondent.

ORDER

15 \_\_\_\_\_/  
16 Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28  
17 U.S.C. § 2254. He seeks leave to proceed *in forma pauperis*. *See* 28 U.S.C. § 1915. However,  
18 petitioner has commenced this action in the wrong district.

19 Petitioner is incarcerated in the California Men's Colony in San Louis Obispo County  
20 and was convicted in Los Angeles County. Both counties are in an area embraced by the United  
21 States District Court for the Central District of California.

22 Pursuant to 28 U.S.C. § 2241(d), courts in both the district of conviction and the  
23 district of confinement have concurrent jurisdiction over applications for habeas corpus filed by  
24 state prisoners. Because petitioner was not convicted in this district, and is not presently  
25 confined here, this court does not have jurisdiction to entertain the application.

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1           Therefore, the court takes no action on petitioner's application to proceed *in forma*  
2 *pauperis*, and transfers this action to the United States District Court for the Central District of  
3 California. 28 U.S.C. §§ 84(c), 1406(a), 2241(d).

4           Accordingly, it is ORDERED that this action is transferred to the United States District  
5 Court for the Central District of California.

6 DATED: April 19, 2010.

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8 EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE